

Calendar No. 661

86TH CONGRESS }
1st Session }

SENATE

{ REPORT
No. 653

AMENDING THE KLAMATH TERMINATION ACT

AUGUST 11, 1959.—Ordered to be printed

Mr. NEUBERGER, from the Committee on Interior and Insular Affairs, submitted the following

R E P O R T

[To accompany S. 2421]

The Committee on Interior and Insular Affairs, to whom was referred the bill (S. 2421) to amend the Klamath Termination Act, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE BILL

The purpose of S. 2421, introduced by Senator Neuberger at the request of the Department of the Interior, is to amend the Klamath Indian Termination Act to change the date for the Federal acquisition of the Klamath Indian Marsh from April 1, 1961, to the earliest date after September 30, 1959, that duck-stamp funds are available to pay for the property. The original date for taking title, April 1, 1961, was established by the act of August 23, 1958 (72 Stat. 816), to conform to the date when the Federal Government will take title to any part of the Klamath forest then unsold to private purchasers.

The Klamath Indians have depended on the sale of tribal timber as their main source of income for more than 50 years. That income has been cut off through the action of Congress in providing for private or Federal acquisition of the Klamath forest and marshlands. Many Klamath Indians who elected to withdraw from tribal membership and have their share of reservation property paid to them are in serious financial difficulty. In some cases they are suffering real hardships that may lead to serious welfare problems for the local community. Yet, these same individuals will receive in the neighborhood of \$45,000 apiece after their assets have been disposed of in 1961.

By administrative action of the Department of the Interior, and through legislation enacted during the current session of Congress, loans have been made available to Klamath Indians from the Indian revolving credit loan fund in order to fulfill their subsistence needs. This has resulted in a heavy drain on the credit fund and a subsequent curtailing of credit to other needy Indian tribes.

Inasmuch as the Federal Government has made a commitment to buy the Klamath Marsh and there are, or soon will be, duckstamp funds available to pay for these lands, the committee believes there is no reason why the land should not be taken well in advance of the 1961 date and the realization value of the property, amounting to almost \$475,000, paid to the Indians.

The executive communication from the Department of the Interior recommending the introduction and enactment of S. 2421 follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 20, 1959.

Hon. RICHARD M. NIXON,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: There is enclosed a draft of a proposed bill to amend the Klamath Termination Act.

We recommend that it be referred to the appropriate committee for consideration and we recommend that it be enacted.

The purpose of the bill is to change the date for Federal acquisition of the Klamath Marsh from April 1, 1961, to the earliest date after September 30, 1959, that duck-stamp funds are available to pay the purchase price. The reason for the change is to make it possible for the Government to pay the Indians immediately the purchase price for land which the Government has already decided to buy, instead of lending them money to meet their immediate subsistence needs.

The decision to purchase the Klamath Marsh was made by the act of August 23, 1958 (72 Stat. 816). The date for taking title, April 1, 1961, was fixed to conform to the date for Federal acquisition of the part of the Klamath forest that may be acquired by the Government. There is no reason, however, for the two dates to be the same, and recent developments have shown a need to take the title to the marsh immediately.

The Indians who have elected to withdraw from the tribe will be without funds for subsistence until the purchase price from the sale of the marsh and the forest is available for distribution. These subsistence needs will, therefore, have to be met with loans from the Indian revolving loan fund. If the sale date for the marsh is changed as proposed, the need for additional loans from the revolving loan fund will be decreased. As the Federal Government is already committed to the purchase of the marsh, it seems unreasonable to make loans to the Indians rather than pay them the purchase price that is due. If the bill is enacted, funds will be available for the payment of the purchase price from the sale of stamps under the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (16 U.S.C. 718).

The Bureau of the Budget has advised us there is no objection to the submission of this proposed legislation.

Sincerely yours,

ELMER F. BENNETT,
Acting Secretary of the Interior.

A BILL to amend the Klamath Termination Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to permit an immediate payment of the purchase price of the Klamath marsh, the title to which was taken by the United States by the Act of August 23, 1958 (72 Stat. 816), and thereby make possible a partial distribution of funds to the Klamath Indians who have elected to withdraw from the tribe, which will lessen the need for making interim loans to such Indians, subsection 28(f) of the Act of August 13, 1954, as amended (72 Stat. 816), is hereby amended by changing the effective date for the taking of title by the United States from April 1, 1961, to the earliest date after September 30, 1959, when the Secretary of the Interior determines that funds for the payment of the purchase price are available from the sale of stamps under the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (16 U.S.C. 718).

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill (S. 2421), as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets; new matter is printed in italic; existing law in which no change is proposed is shown in roman:)

ACT OF AUGUST 13, 1954 (68 STAT. 718), AS AMENDED BY THE ACT OF
AUGUST 23, 1958 (72 STAT. 816)

*	*	*	*	*	*	*
SEC. 28(a)	*	*	*			
*	*	*	*	*	*	*

"(f) The lands that comprise the Klamath Marsh shall be a part of the property selected for sale pursuant to subsection 5(a)(3) of this Act to pay members who withdraw from the tribe. Title to such lands is hereby taken in the name of the United States, effective [April 1, 1961.] *the earliest date after September 30, 1959, when the Secretary of the Interior determines that funds for the payment of the purchase price are available from the sale of stamps under the Migratory Bird Hunting Stamp Act of March 16, 1934, as amended (16 U.S.C. 718).* Such lands are designated as the Klamath Forest National Wildlife Refuge, which shall be administered in accordance with the law applicable to areas acquired pursuant to section 4 of the Act of

